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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/370,388	08/06/1999	ROBERT BELETSKY	01-0941-556	8059

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JOHN E WAGNER
LAW OFFICES OF JOHN E WAGNER
3541 OCEAN VIEW BLVD
GLENDALE, CA 91208

EXAMINER

BRITTAIN, JAMES R

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/370,388

Applicant(s)

BELETSKY, ROBERT

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,8-10,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,8-10,14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 8-10, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10-211005 in view of French et al. (US 5774956).

Japanese publication 10-211005 (figures 1-18) teaches a two part buckle including an auxiliary locking feature comprising: a female buckle part 30 including a belt or strap receiving portion defined by the belt connecting bar 32, and a body portion defining a recess 34 for receiving a mating portion of a male buckle part 10 and a pair of edge recesses 40 and a front panel 37 having an aperture 54 therein; a male buckle part 10 including a belt or strap receiving portion defined by the belt connecting bar 12, and a female buckle engaging part, a cantilevered resilient member 22 formed integrally with the male buckle part within the recess 34 of the female part 30 when the buckle is engaged; the female buckle engaging part of the male buckle part including a pair of flexible prongs 13 having engaging bodies 14 defining catches 17 for insertion into the edge recess 40 of the female part 30 and for engaging the female part 30 to secure the buckle parts together; the prongs being accessible through the edge recesses 40 for manually releasing the prongs to allow the male 10 and female 30 buckle parts to separate; and a manually controlled button 27 on the resilient member 22 normally

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positioned in the aperture 54 when the male and female parts are secured together, the resilient member 22 carrying outwardly extending locking pieces 25 engaging the prongs on the inside edge 20 of the male buckle part 10 for selectively preventing the flexing of the prongs 13 and release of the buckle parts 10, 30, wherein the locking pieces 25 which normally engage the prongs 13 releases the prongs 13 upon pressing upon the button 27. Figures 13 and 14 show that separation of the male and female parts by inward pressure on the engaging bodies 14 is prevented by abutment of the locking pieces 25 of the central cantilevered resilient member 22 with the inside edges 20 of the engaging bodies 14 of the prongs 13. The difference is that the front panel has a U-shaped aperture 54 and the aperture is not completely surrounded by the front panel. However, French et al. (figures 1, 6, 9) teaches buckle structure with a male part 12 having two resilient prongs 26, 28 having engaging bodies 30, 32 receivable in edge recesses 64, 66 of the female part 14 and a central cantilevered resilient member 34 having a manually controlled button 36 receivable in an aperture 48 that is completely surrounded by the front panel 46 (col. 3, lines 35-50) thereby providing easier manipulation by touch. It would have been obvious to modify the buckle of JP 10-211005 so that the aperture receiving the control button of the central cantilevered resilient member is completely surrounded by the front panel in view of French et al. (figures 1, 6, 9) teaching buckle structure with a male part 12 having two resilient prongs 26, 28 having engaging bodies 30, 32 receivable in edge recesses 64, 66 of the female part 14 and a central cantilevered resilient member 34 having a manually controlled button 36 receivable in an aperture 48 that is completely surrounded by the front panel

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46 (col. 3, lines 35-50) thereby providing easier manipulation by touch. In regard to claim 3, JP 10-211005 shows in figures 11 and 12 the engagement of the male and female parts wherein the button 27 is flush with the portion of the front panel defining the finger receiving recess 53. Further, the substantially flush positioning of the button with the front panel would have been obvious in view of French et al. who suggest in figure 6 that the top surface 80 of the button 36 be flush with the outer face of the rim 50 (col. 5, lines 4-11) or that the top surface of the button 36 protrude by just a small distance 0.050 inches from the front wall 94 as shown in figure 9. As to claim 8, the cantilevered resilient member 22 of JP 10-211005 is located between the prongs 13 and carries the button 27. In regard to claim 9, the button 27 of JP 10-211005 is carried by the cantilevered resilient member 22 and operational to deflect the resilient member 22 that carries the locking pieces 25 away from the prongs to allow the prongs to flex and to release the buckle parts as shown in figures 15-18. As to claim 10, the cantilevered resilient member 22 of JP 10-211005 is mounted for movement with respect to the prongs 13 to move from a first prong locking position shown in figures 11 and 12 to a second prong unlocking position shown in figures 15 and 16 in response to manual operation of the button 27.

Response to Arguments

Applicant's arguments filed August 19, 2003 have been fully considered but they are not persuasive. Applicant argues that there is no suggestion to modify the teachings of JP 10-211005 by French et al. as suggested above. However, French et al. provides for the central cantilevered resilient member 34 having a manually controlled button 36

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receivable in an aperture 48 that is completely surrounded by the front panel 46 (col. 3, lines 35-50) thereby providing easier manipulation by touch as indicated by the passage "The latch receptacle 48 and the third catch body 36 have diameters 49 of a large enough sized to be found by touch and pushed easily, yet not so large as to be pushed without a deliberate attempt, and the latch receptacle 48 is large enough to allow the catch body 36 to enter it freely". This is a benefit of the aperture being completely surrounded and serves as motivation to modify the primary reference.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on M, W & F 5:30-1:30, T 5:30-2:00 & TH 5:30-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

A handwritten signature in black ink, appearing to read 'J. R. Brittain', with a stylized flourish at the end.

James R. Brittain
Primary Examiner
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JRB